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Feb 15 2024

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

S.C. SUPREME COURT

Certiorari to Richland County

Honorable George M. McFaddin, Circuit Court Judge

TRENTON M. BARNES,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-001267

APPENDIX

GARY H JOHNSON
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

D. RUSSELL BARLOW
Assistant Attorney General
P.O. Box 11549
Columbia, SC 29211-1549
(803) 734-3737

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

VOLUME V OF V

PAGES 2000-2026

INDEX

INDEX i

TRIAL TRANSCRIPT DATED OCTOBER 7, 2014 1

TRIAL TRANSCRIPT DATED OCTOBER 30, 2014 15

TRIAL TRANSCRIPT NOVEMBER 3, 2014 145

TRIAL TRANSCRIPT DATED NOVEMBER 10-19, 2014 191

SENTENCING HEARING TRANSCRIPT DATING DECEMBER 12, 2014 1851

APPLICATION FOR POST-CONVICTION RELIEF 1927

RETURN AND MOTION TO DISMISS 1934

AMENDMENT TO APPLICATION FOR POST-CONVICTION RELIEF AND REPLY TO
MOTION TO DISMISS 1947

POST-CONVICTION RELIEF HEARING TRANSCRIPT DATED MAY 26, 2022 1950

ORDER OF DISMISSAL 1982

INDICTMENTS AND SENTENCE SHEETS 2015

new evidence or other defenses he would have asked counsel to pursue had counsel more thoroughly gone over the discovery materials with him) (citing Jackson v. State, 329 S.C. 345, 353-54, 495 S.E.2d 768, 772 (1998)), abrogated on other grounds by Smalls v. State, 422 S.C. 174, 810 S.E.2d 836. Mere speculation as to how the alleged lack of preparation prejudiced an applicant is not sufficient to support a grant of relief. Id., 377 S.C. at 75, 659 S.E.2d at 145 (citing Glover v. State, 318 S.C. 496, 498, 458 S.E.2d 538, 540 (1995)).

Accordingly, Applicant has failed to meet his burden of proof, and this allegation is **DENIED** and **DISMISSED WITH PREJUDICE**.

Allegation 3: Failure to Properly Investigate the Case

Applicant alleges Trial Counsel was constitutionally ineffective for failing to investigate his case. This Court finds this allegation is without merit.

On direct examination, Applicant testified that Trial Counsel did not investigate his case.

As an initial matter, this Court finds Applicant has failed to overcome the "strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in [his] case." Ard v. Catoe, 372 S.C. at 331, 642 S.E.2d at 596. "A criminal defense attorney has the duty to conduct a reasonable investigation to discover all reasonably available mitigation evidence and all reasonably available evidence tending to rebut any aggravating evidence introduced by the State." McKnight v. State, 378 S.C. at 46, 661 S.E.2d at 360. "[W]hile the scope of a reasonable investigation depends upon a number of issues, at a minimum, counsel has the duty to interview potential witnesses and to make an independent investigation of the facts and circumstances of the case." Ard, 372 S.C. at 331-32, 642 S.E.2d at 597 (internal quotation marks omitted) (emphasis omitted). Essentially, trial "counsel has a duty to make reasonable investigations or to make a reasonable decision that makes

particular investigations unnecessary." Strickland, 466 U.S. at 691.

Our Supreme Court has cautioned reviewing courts not to lose sight of the reasonableness standard regarding counsel's duty to investigate. See Ard, 372 S.C. at 331, 642 S.E.2d at 597 ("Without a doubt, [a] criminal defense attorney has a duty to investigate, but this duty is limited to reasonable investigation."). "[S]trategic choices made after thorough investigation of law and facts relevant to plausible options are virtually unchallengeable; and strategic choices made after less than complete investigation are reasonable precisely to the extent that reasonable professional judgments support the limitations on investigation." Strickland, 466 U.S. at 690-91; see *id.* ("In other words, counsel has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary."). Thus, in applying the Strickland standard to a claim of failure to investigate, counsel's decision not to undertake a particular investigation must be evaluated with heavy deference to counsel's judgment. Bagwell v. State, 410 S.C. 259, 265, 763 S.E.2d 630, 63 (Ct. App. 2014).

This Court finds Applicant's brusque testimony that Trial Counsel did not investigate his case is not credible. The record, in this case, is replete with examples that Trial Counsel was well prepared for this multi-staged and multi-day trial. This Court finds Applicant has failed to meet his burden proving Trial Counsel's alleged deficiency prejudiced him. Applicant presented a single self-serving answer regarding whether Trial Counsel investigated his case. Applicant did not provide who or what further investigation by Trial Counsel was needed. Therefore, whether Trial Counsel further investigated would have changed the outcome of Applicant's trial is mere speculation. However, speculation cannot satisfy Applicant's burden of proving prejudice. See Clark, 315 S.C. at 388, 434 S.E.2d at 267 (concluding pure conjecture fails to establish prejudice).

Accordingly, this Court finds Applicant has failed to establish Trial Counsel's deficiency or prejudice. Thus, these allegations must be **DENIED** and **DISMISSED WITH PREJUDICE**.

Allegation 4: Failure to Object to Leading Page 306, Line 18

Applicant alleges Trial Counsel was constitutionally ineffective for failing to object to the leading question of Ms. Baskin regarding whether the screams seemed scary. (Trial Tr. p. 306, l. 18). This Court finds this allegation is without merit.

Under Rule 611(c), SCRE, leading questions "should not be used on the direct examination of a witness except as may be necessary to develop the witness's testimony." When a party calls a hostile witness, an adverse party, or a witness identified with an adverse party, interrogation may be by leading questions. Id. The true test of whether a question is leading is whether it suggests the answer. State v. Tynor, 273 S.C. 646, 258 S.E.2d 559 (1979). A question that does not suggest an answer in the affirmative or negative is not a leading question. Smith v. Union-Buffalo Mills Co., 100 S.C. 115, 84 S.E. 422 (1915).

Here, Applicant avers that the following leading question was the determinate factor in the outcome of his trial:

Q: And were the screams...did they seem scary?

(Trial Tr. p. 306, l. 18). In support of Applicant's contention that this leading question was the deciding factor in his trial, he offered the following evidence at the evidentiary hearing when asked whether Trial Counsel objected to the leading question, "No." In fact, this was the only evidence introduced, a single word indicating Trial Counsel did not object to the leading question.

This Court finds that Trial Counsel was not deficient in failing to object to the question. The question was leading, but objecting to this line of testimony, even if it successfully prevented the question from being answered, would not have affected the prior statement. The witness

testified previously that she heard a woman screaming. (Trial Tr. p. 306, ll. 15 – 17). Furthermore, this testimony was hardly crucial to a finding of guilt in this case in comparison to the mountainous evidence against Applicant. There is no possibility that the trial's outcome would have been different but for this one leading question. Even if this Court were to find Trial Counsel's failure to object was deficient, Applicant has failed to meet his burden of proving prejudice from Trial Counsel's performance.

Accordingly, this Court finds Applicant has failed to establish Trial Counsel's deficiency or prejudice. Thus, this allegation must be **DENIED** and **DISMISSED WITH PREJUDICE**.

Allegation 5: Failure to Object to Hearsay Page 312, Lines 9 - 10

Allegation 9: Failure to Object to Hearsay Page 524, Lines 6 – 10

Applicant alleges Trial Counsel was constitutionally ineffective for failing to object to two instances of hearsay at p. 312, ll. 9 – 10, and p. 524, ll. 6 – 10. This Court finds these allegations are without merit.

In Applicant's allegation number five, he references the following testimony given by a responding paramedic, Mary Ellen Swain, who had just arrived on the scene of the murder:

Q: And once you arrived did they give you some additional information about where the victim may be?

A: All we were told when we arrived on the scene there were several officers on the scene. They had actually already roped off the outside of the building, **and the law enforcement officer that I came in contact with said that there was a victim inside the building, just one.**

(Trial Tr. p. 312, ll. 3 – 10).

In Applicant's allegation number nine, he references the following testimony given by Rolanda Coleman, codefendant Lorenzo Young's girlfriend:

Q: And where was Lorenzo that night while you were home sleeping?

MS. PINNOCK: Objection, calls for speculation.

THE COURT: She can answer if she knows, if she has personal knowledge.

BY MS. CAMPBELL:

Q: She does.

A: From my knowledge, at Troy's house.

Q: Troy's house?

A: Yep.

Q: Was Troy's house located near the Bronx Avenue house where you were staying?

A: Yeah.

Q: How did you know he was staying at Troy's house?

A: That's what I was told.

Q: By whom?

A: Him.

Q: By Lorenzo?

A: Uh-huh.

(Trial Tr. pp. 523, l. 18 – 524, l. 11).

Hearsay is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted. Rule 801(c), SCRE. Hearsay is inadmissible except as provided by statute, the Rules of Evidence, or other court rules. See State v. LaCoste, 347 S.C. 153, 553 S.E.2d 464 (S.C. App. 2001).

This Court finds allegation number five, where Ms. Swain testified to an out-of-court statement made by a police officer, was not hearsay and was admissible. This Court further finds that the testimony was not offered for the truth of the matter asserted. It is indisputable that the victim was a victim; she was lying dead on the floor, covered in blood. Clearly, the decedent was murdered and was rightfully called a victim, and the only dispute was whether Applicant was the perpetrator. This Court cannot conceive any possible way, but for this testimony, Applicant's trial would have been different. See Clark, 315 S.C. at 388, 434 S.E.2d at 267 (concluding pure conjecture fails to establish prejudice).

As to allegation number nine, this Court finds that this statement was not hearsay. While an objection was placed on the record by co-defense counsel calling for speculation, the trial court

permitted Ms. Coleman to answer because she had personal knowledge. "The admission of evidence is within the sound discretion of the trial court." State v. Hamilton, 344 S.C. 344, 353 (S.C. Ct. App. 2001).

Accordingly, this Court finds Applicant has failed to establish Trial Counsel's deficiency or prejudice. Thus, these allegations must be **DENIED** and **DISMISSED WITH PREJUDICE**.

Allegation 6: Failure to Object to Leading Page 370, Lines 19 – 20

Again, Applicant alleges Trial Counsel was constitutionally ineffective for failing to object to the leading question regarding the make and model of a firearm, and type of ammunition. (Trial Tr. p. 370, ll. 19 – 20). This Court finds this allegation is without merit.

Under Rule 611(c), SCRE, leading questions "should not be used on the direct examination of a witness except as may be necessary to develop the witness's testimony." When a party calls a hostile witness, an adverse party, or a witness identified with an adverse party, interrogation may be by leading questions. Id. The true test of whether a question is leading is whether it suggests the answer. State v. Tyner, 273 S.C. 646, 258 S.E.2d 559 (1979). A question that does not suggest an answer in the affirmative or negative is not a leading question. Smith v. Union-Buffalo Mills Co., 100 S.C. 115, 84 S.E. 422 (1915).

Here, Applicant avers that the following leading question was the determinate factor in the outcome of his trial:

Q: And it actually has the make and model, I believe, of the type of ammunition listed?

(Trial Tr. p. 370, ll. 19 – 20). In support of Applicant's contention that this leading question was the deciding factor in his trial, he offered the following evidence at the evidentiary hearing when asked whether Trial Counsel objected to the leading question, "No." In fact, this was the only evidence introduced, a single word indicating Trial Counsel did not object to the leading question.

This Court finds that Trial Counsel was not deficient in failing to object to the question. The question was leading, but it was necessary to develop the witness' testimony when introducing the court's exhibits 333 and 331. See (Trial Tr. pp. 368, l. 23 – 370, l. 21). This Court further finds that the trial's outcome would not have been different but for this one leading question. Even if this Court were to find Trial Counsel's failure to object was deficient, Applicant has failed to meet his burden of proving prejudice from Trial Counsel's performance. Indeed, this Court cannot entertain that this single leading question could garner the requisite prejudice to warrant a reversal here. Had Trial Counsel objected to this line of questioning, the State simply would have rephrased its questions and still elicited the same testimony.

Accordingly, this Court finds Applicant has failed to establish Trial Counsel's deficiency or prejudice. Thus, this allegation must be **DENIED** and **DISMISSED WITH PREJUDICE**.

Allegation 7: Failure to Object to DNA Swabs Page 376, Line 25

Applicant alleges Trial Counsel was constitutionally ineffective for failing to object to the admission of DNA swabs on page 370, lines 19 – 20. This Court finds this allegation is without merit.

While Applicant is correct that Trial Counsel did not object to the admission of Exhibit 345, the DNA swabs, the co-defendant's counsel did object on the basis of a lack of foundation. The court asked the Solicitor to lay more foundation on Exhibit 345, and she did. (Trial Tr. pp. 376, l. 16 – 378, l. 14). Any contemporaneous objection by Trial Counsel would have been meritless. Furthermore, even if the failure to contemporaneously object to the admission of the DNA swabs with co-defense counsel satisfied the first prong of the Strickland test, which this Court does not find, Applicant cannot show Strickland's second prong of prejudice is satisfied. See United States v. Gibson, 690 F.2d 697, 703-04 (9th Cir. 1982) (failure to make evidentiary

first prong of the Strickland test, which this Court does not find, Applicant cannot show Strickland's second prong of prejudice is satisfied. See United States v. Gibson, 690 F.2d 697, 703-04 (9th Cir. 1982) (failure to make evidentiary objections does not render assistance ineffective unless challenged errors can be shown to have prejudiced the defendant). This Court finds Applicant did not show that the lack of objection to the admission of the spoon DNA allowed the admission of evidence that otherwise would not have been admitted, and, that because of that, there was a reasonable probability the objection would have resulted in a different outcome of his trial. See Clark v. Collins, 19 F.3d 959, 966 (5th Cir.1994) ("Failure to raise meritless objections is not ineffective lawyering; it is the very opposite.").

Once again, Applicant failed to present any argument of what objection Trial Counsel could or should have made. Such speculation and conjectural allegations do not demonstrate that Trial Counsel's performance was not reasonable or affirmatively prove that Applicant was prejudiced. "It is not enough for the [Applicant] to show that the errors had some conceivable effect on the outcome of the proceeding." Strickland, 466 U.S. at 693. "The defendant must show that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome." Id. at 694.

Accordingly, this Court finds Applicant has failed to establish how he was prejudiced by Trial Counsel's alleged deficiency. Thus, this allegation must be **DENIED** and **DISMISSED WITH PREJUDICE**.

Allegation 10: Failure to Object to Letter Entered into Evidence

Applicant alleges Trial Counsel was constitutionally ineffective for failing to object to the letter he wrote to his mother being entered into evidence and an enlarged version being published

to the jury. This Court finds this allegation is without merit.

"An ineffective assistance claim based on a failure to object is tied to the admissibility of the underlying evidence." Hough v. Anderson, 272 F.3d 878, 898 (7th Cir. 2001). "If evidence admitted without objection was admissible, then the complained of action fails both prongs of the Strickland test: failing to object to admissible evidence cannot be a professionally 'unreasonable' action, nor can it prejudice the defendant against whom the evidence was admitted." Id.; see Miller v. Keeney, 882 F.2d 1428, 1434 (9th Cir. 1989) (noting that if a petitioner challenges a futile objection, he fails both Strickland prongs); U.S. ex rel. Link v. Lane, 811 F.2d 1166, 1170 (7th Cir. 1987) (finding there is no prejudice from the failure to object unless there is a legally supportable argument for exclusion of the evidence).

On direct examination, Applicant testified that Trial Counsel never explained why he did not object to the letter used in evidence that implicated him. Applicant further testified that Trial Counsel never explained why he did not object to the enlarged version of the letter being entered into evidence. Applicant testified that Trial Counsel "implicated" him and that it was evidence of his guilt. Applicant testified that the judge asked him if he wrote the letter, and it "implicated" him. Applicant testified that Trial Counsel implicated him in that he wrote the letter to his mother to free his brother. Applicant testified and asked how Trial Counsel could say Applicant wrote that letter incriminating him.

On cross-examination, Applicant testified that his mother provided the letter and testified at trial that it was Applicant's handwriting. Applicant was asked if he admitted to the murder in the letter to which he replied, "[he] did not write it."

On redirect examination, Applicant was asked what he wanted to testify to the letter, and he replied that he never admitted to writing that letter – there was no benefit to writing that letter

– Trial Counsel said he wrote it to free his brother – he never confessed – he never said he did nothing – Trial Counsel put that on the record.

On direct examination, Garfield testified that she authenticated the letter entered at trial through a handwriting expert at the Schmerber hearing. Garfield testified that it was the mother who gave the letter to law enforcement. Garfield testified that Applicant's mother also testified that it was Applicant's handwriting. Garfield testified that she admitted the evidence as an admission against Applicant's own interest.

On cross-examination, Garfield testified that the letter Applicant wrote to his mother was helpful. Garfield testified that she did not know what legal theory Trial Counsel would have objected to.

This Court finds that Garfield **credibly** testified that she was unaware of any legal theory that would warrant Trial Counsel's objection to the letter. Garfield **credibly** testified that she authenticated the letter entered at trial through a handwriting expert at the Schmerber hearing. Applicant's mother identified the letter as being from Applicant and the handwriting as being Applicant's. Under this set of facts, this Court finds that the letter's authentication satisfied Rule 901(b)(1) and 901(b)(3), SCRE, and there was no arguable basis for an objection to its admission. Furthermore, this Court finds that as a matter of law, Trial Counsel could not be deficient for failing to object when there is no arguable basis for the objection.

Additionally, barring any alleged deficiency, this Court finds Applicant has failed to show prejudice. Specifically, this Court finds that any objection Trial Counsel would have made to the admission of the letter would not have changed the outcome of his trial. Not only was Applicant's letter admissible under the rules stated *supra*, but also under Rule 802(d)(2), SCRE, as an

admission of a party opponent. Applicant has produced no probative evidence towards meeting his burden as to either prong of Strickland.

Accordingly, this Court finds Applicant has failed to establish Trial Counsel's deficiency or prejudice. Thus, this allegation must be **DENIED** and **DISMISSED WITH PREJUDICE**.

**Allegation 11: Failure to Review Discovery with the State Page 1216,
Lines 22 – 24**

Applicant alleges Trial Counsel was constitutionally ineffective for failing to review discovery with the State. This Court finds this allegation is without merit.

Specifically, Applicant points to an exchange with the trial court where the solicitor states that they "begged" Trial Counsel to review discovery at the Solicitor's office. This exchange involved two case notes that Trial Counsel argued he was never provided through discovery and that the notes were "nothing earth shattering." (Trial Tr. p. 1216, ll. 16 – 17). Further in the colloquy with the trial court on this matter, the court found that the two case notes referred to items already turned over to defense. (Trial Tr. pp. 1216 – 1220). Specifically, the trial court found "number one, you've already been provided all of it[] [and] [n]umber two, it's not exculpatory or mitigating toward [Applicant]." (Trial Tr. p. 1221, ll. 12 – 19).

At the evidentiary hearing, Applicant testified on direct examination that Trial Counsel never explained why he did not review discovery with the solicitor.

As an initial matter, this Court cannot ascertain any rule that requires defense counsel to go to the Solicitor's office and review discovery with the Solicitor. The record reflects that Trial Counsel filed Rule 5, SCRE, and Brady⁹ motions in this case. Trial Counsel renewed those motions during trial. This Court finds Applicant has failed to meet his burden proving any

⁹ Brady v. Maryland, 373 U.S. 83 (1963).

deficiency of Trial Counsel nor any prejudice resulting therefrom. Applicant presented a single self-serving answer regarding Trial Counsel not reviewing the discovery with the Solicitor. Applicant presented no evidence of what Trial Counsel would have accomplished had he reviewed the discovery with the Solicitor. Therefore, whether Trial Counsel reviewing the discovery with the Solicitor would have changed the outcome of Applicant's trial is mere speculation. However, speculation cannot satisfy Applicant's burden of proving prejudice. See Clark, 315 S.C. at 388, 434 S.E.2d at 267 (concluding pure conjecture fails to establish prejudice).

Accordingly, this Court finds Applicant has failed to establish how Trial Counsel's alleged deficiency prejudiced him. Thus, this allegation must be **DENIED** and **DISMISSED WITH PREJUDICE**.

|CONCLUSION PAGE FOLLOWS|

CONCLUSION

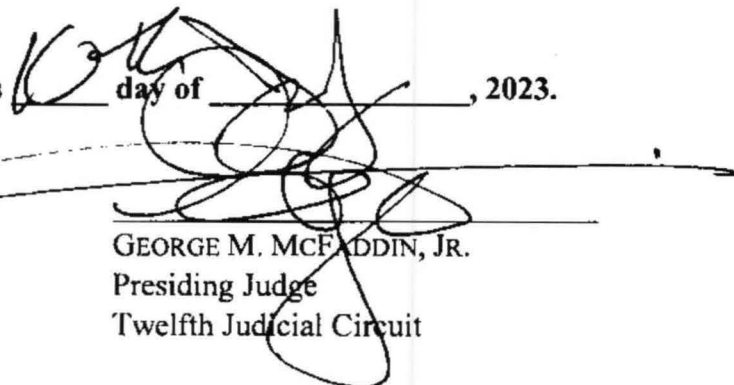
Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be **DENIED** and **DISMISSED WITH PREJUDICE**.

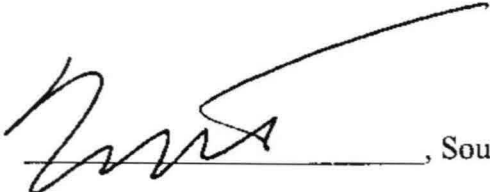
This Court notifies the Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP, provides that PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf if the Applicant wishes to seek appellate review. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 10 day of July, 2023.


 GEORGE M. MCFADDIN, JR.
 Presiding Judge
 Twelfth Judicial Circuit


 _____, South Carolina

STATE OF SOUTH CAROLINA)
 COUNTY OF Richland)
 STATE)
 VS. Treton Malik Barnes)
 AKA:)
 Race: Black Sex: Male Age:)
 DOB:) SS#:)
 Address)
 City, State, Z:)
 DL#) SID#)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014 -GS- 40 - 752
 A/W#: 2013 A 4021602386
 Date of Offense: 7-1-13
 S.C. Code §: 16-23-0010
 CDR Code #: 0116

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was TO: Murder

CONVICTED OF or PLEADS

In violation of § 16-23-0010 of the S.C. Code of Laws, bearing CDR Code # 0116
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
 (CSC w/minor 1st or Lewd Act)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury. (defendant's initials)
 The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: [Signature] 17009 Treton Barnes [Signature] 74866
 Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,
 for a determinate term of 50 ~~months~~ months or under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are
 incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: _____
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department
 of Corrections.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
 Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
 Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____
 Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____ Obtain GED
 Set by SCDPPPS _____ Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____ May serve W/E beginning _____
 Substance Abuse Counseling

*Fine:	\$	_____
§14-1-206 (Assessments 107.5%)	\$	_____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§47.12 (Public Def/Prob)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$
§14-1-213 (Drug Court Surcharge)	\$100	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
§90.7(SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)	\$	\$
TOTAL	\$	_____

Random Drug/Alcohol Testing
 Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ _____ Beginning _____
 \$ _____ Paid to Public Defender Fund

Other: _____

Appointed PD or appointed other counsel,
 \$47.12 requires \$500 be paid to Clerk
 during probation.

Clerk of Court/Deputy Clerk Jeanette McBride
 Court Reporter: [Signature]

Presiding Judge Retrod
 Judge Code: 2164
 Sentence Date 12-12-14

2016

WITNESSES

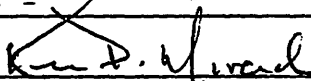
(S) Matthew David Mccoy
- Columbia Police Department

ARREST WARRANT NUMBER

2013A4021602386

ACTION OF GRAND JURY

TRUE BILL



Foreperson of Grand Jury
Date: FEB 20 2014

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2014GS4000752

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2014

87

THE STATE
vs.

Trenton Malik Barnes

Indictment for
MURDER

SC Code: 16-03-0010
CDR Code: 0116

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
 COUNTY OF Richland)
 STATE)
 VS. Jenton Malik Barnes)
 AKA:)
 Race: Black Sex: Male Age:)
 DOP)
 Address:)
 City, State,)
 DL#) SID#)
 *CDL Yes No CMV Yes No Hazmat Yes No

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014 -GS- 40 - 754
 A/W#: 2013A4021602387
 Date of Offense: 7-1-13
 S.C. Code §: 16-53-0910
 CDR Code #: 0095

SENTENCE SHEET

In disposition of this indictment comes now the Defendant who was TO:

CONVICTED OF or PLEADS

In violation of § 16-53-0910 of the S.C. Code of Laws, bearing CDR Code # 0095
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
 (CSC w/minor 1st or Lewd Act)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury. (defendant's initials)
 The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Rae C H 13009 Jenton Barnes Malik Barnes 74866
 Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,
 for a determinate term of _____ days/months/years or under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are
 incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: _____
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department
 of Corrections.
 The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
 Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____ Obtain GED

Set by SCDPPPS _____ Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____ May serve W/E beginning _____
 Substance Abuse Counseling

*Fine:	\$	_____
§14-1-206 (Assessments 107.5%)	\$	_____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	_____
§14-1-211 (A)(2)(DUI Surcharge)	\$100	_____
§56-5-2995 (DUI Assessment)	\$12	_____
§56-1-286 (DUI Breath Test)	\$25	_____
§47.12 (Public Def/Prob)	\$500	_____
§14-1-212 (Law Enforce. Funding)	\$25	_____
§14-1-213 (Drug Court Surcharge)	\$100	_____
§50-21-114 (BUI Breath Test Fee)	\$50	_____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	_____
§90.7(SCCJA Surcharge)	\$5	_____
3% to County (if paid in installments)	\$	_____
TOTAL	\$	_____

Random Drug/Alcohol Testing
 Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ _____ Beginning _____
 \$ _____ Paid to Public Defender Fund

Other: Conviction stands
sentence on this
charge is vacated per
16-3-910

Appointed PD or appointed other counsel,
 \$47.12 requires \$500 be paid to Clerk
 during probation.

Clerk of Court/Deputy Clerk Jeanette McBride
 Court Reporter: Ambrose

Presiding Judge Pettard
 Judge Code: 12-12-14
 Sentence Date 2164

WITNESSES

(S) Matthew David Mccoy
- Columbia Police Department

ARREST WARRANT NUMBER

2013A4021602387

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date:

Kenneth D. Alford
FEB 20 2014

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2014GS4000754

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2014

87

THE STATE
vs.

Trenton Malik Barnes

Indictment for
KIDNAPPING

SC Code: 16-03-0910
CDR Code: 0095

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
 COUNTY OF Richland)
 STATE)
 VS. Trenton Malik Barnes)
 AKA: _____)
 Race: Black Sex: Male Age: _____)
 DOB: _____)
 Address: _____)
 City, State: _____)
 DL# _____ SID# _____)
 *CDL Yes No CMV Yes No Hazmat Yes No

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014 -GS- 40 - 755
 A/W#: 2013 A4021602388
 Date of Offense: 7-1-13
 S.C. Code §: 16-11-0312(B)
 CDR Code #: 0086

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
 TO: Burglary - 2nd
 In violation of § 16-11-0312(B) of the S.C. Code of Laws, bearing CDR Code # 0086
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
 (CSC w/minor 1st or Lewd Act)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)
 The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Ram C. H. 13005 Solicitor SC Bar # _____ Defendant Trenton Barnes Attorney for Defendant M. M. M. 74866 SC Bar # _____

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,
 for a determinate term of 15 ~~months~~ years or under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are
 incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: _____
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department
 of Corrections.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
 Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
 Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____ Obtain GED

Set by SCDPPPS _____ Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____ May serve W/E beginning _____
 Substance Abuse Counseling

*Fine:	\$ _____
§14-1-206 (Assessments 107.5%)	\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100
§14-1-211 (A)(2)(DUI Surcharge)	\$100
§56-5-2995 (DUI Assessment)	\$12
§56-1-286 (DUI Breath Test)	\$25
§47.12 (Public Def/Prob)	\$500
§14-1-212 (Law Enforce. Funding)	\$25
§14-1-213 (Drug Court Surcharge)	\$100
§50-21-114 (BUI Breath Test Fee)	\$50
§56-5-2942(J) (Vehicle Assessment)	\$40/ea
§90.7(SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$ _____
TOTAL	\$ _____

Random Drug/Alcohol Testing
 Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ _____ Beginning _____
 \$ _____ Paid to Public Defender Fund

Other: _____

Appointed PD or appointed other counsel,
 §47.12 requires \$500 be paid to Clerk
 during probation.

Clerk of Court/Deputy Clerk Jeanette McBride
 Court Reporter: Ambrogio

Presiding Judge ReHard
 Judge Code: 2164
 Sentence Date 12-12-14

WITNESSES

(S) Matthew David Mccoy
- Columbia Police Department

ARREST WARRANT NUMBER

2013A4021602388

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreperson of Grand Jury
Date: **FEB 20 2014**

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2014GS4000755

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2014

87

THE STATE

vs.

Trenton Malik Barnes

Indictment for
BURGLARY 2ND DEGREE (VIOLENT)

SC Code: 16-11-0312(B)
CDR Code: 0086

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on February 19, 2014,
 the Grand Jurors of Richland County present upon their oath:

BURGLARY, SECOND DEGREE
(VIOLENT)

That Trenton Malik Barnes did in Richland County on or about July 1, 2013, enter without consent and with the intent to commit a crime therein, a building of CAROLINA CAFE located at 93 Tommy Circle, and the defendant, Trenton Malik Barnes, did enter the building in the nighttime, and/or did cause physical injury to any person who is not a participant, and/or is armed with a deadly weapon in the crime, and/or uses or threatens the use of a dangerous instrument, and/or displays what is or appears to be a pistol or other firearm in violation of Section 16-11-0312(B), S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



DAN JOHNSON, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF Richland)
STATE)

IN THE COURT OF GENERAL SESSIONS

vs. Treton Malik Barnes

INDICTMENT/CASE#: 2014 -GS- 40 - 756
A/W#: 2013A4021602389
Date of Offense: 7-1-13
S.C. Code §: 16-11-0330(B)
CDR Code #: 0026

AKA: Malik
Race: Malik Sex: Male Age:
DOP: SS:
Address:
City, State, Zip:
DL# SID#
*CDL Yes No CMV Yes No Hazmat Yes No

SENTENCE SHEET

In disposition of the said indictment for as now the Defendant who was
TO: Attempted Armed Robbery

CONVICTED OF or PLEADS

In violation of § 16-11-0330(B) of the S.C. Code of Laws, bearing CDR Code # 0026
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
(CSC w/minor 1st or Lewd Act)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Jae C. He 13009 Treton Barnes 774 7866
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,
for a determinate term of 20 ~~months~~ years or under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are
incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department
of Corrections.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____ Obtain GED

Set by SCDPPPS _____ Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____ May serve W/E beginning _____
Substance Abuse Counseling

*Fine:	\$ _____
§14-1-206 (Assessments 107.5%)	\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100 \$ _____
§14-1-211 (A)(2)(DUI Surcharge)	\$100 \$ _____
§56-5-2995 (DUI Assessment)	\$12 \$ _____
§56-1-286 (DUI Breath Test)	\$25 \$ _____
§47.12 (Public Def/Prob)	\$500 \$ _____
§14-1-212 (Law Enforce. Funding)	\$25 \$ _____
§14-1-213 (Drug Court Surcharge)	\$100 \$ _____
§50-21-114 (BUI Breath Test Fee)	\$50 \$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea \$ _____
§90.7(SCCJA Surcharge)	\$5 \$ _____
3% to County (if paid in installments)	\$ _____
TOTAL	\$ _____

Random Drug/Alcohol Testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ Beginning _____
\$ _____ Paid to Public Defender Fund

Other: _____

Appointed PD or appointed other counsel,
§47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/Deputy Clerk: Jessette McBride
Court Reporter: Ambrogio

Presiding Judge: Petford
Judge Code: 2164
Sentence Date: 12-12-14

WITNESSES

(S) Matthew David Mccoy
- Columbia Police Department

ARREST WARRANT NUMBER

2013A4021602389

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreperson of Grand Jury
Date:

FEB 20 2014

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2014GS4000756

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2014

87

THE STATE

vs.

Trenton Malik Barnes

Indictment for
ATTEMPTED ARMED ROBBERY

SC Code: 16-11-0330(B)
CDR Code: 0026

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

